

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

M. L. BERRY, *ET AL.*

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04CV134LS

**PHARMACIA CORPORATION, f/k/a
Monsanto Chemical Company, *ET AL.***

DEFENDANTS

ORDER

This cause is before the Court upon the Plaintiff's Motion to Petition the Court to Subpoena Certain Named Records from Roger K. Doolittle. The Defendants have opposed the Motion, on grounds that the process for issuing a subpoena is found in Fed. R. Civ. P. 45, and because the Plaintiff's Motion does not comply with that process. Rule 45 permits either the court or an attorney to issue a subpoena for the production of documents. The Plaintiffs in this case are proceeding without counsel; therefore, unless the court orders that a subpoena be issued, they will not be able to obtain one. The court will direct the Clerk, therefore, to issue a subpoena styled with this case name and number, and directed to Roger K. Doolittle. A copy of the issued subpoena shall be sent to each of the Plaintiffs, who are responsible for describing the documents that they wish to inspect and/or copy. The Plaintiff are also responsible for serving their subpoenas on Mr. Doolittle.

IT IS THEREFORE ORDERED that the Plaintiffs' Motion to Petition the Court to Subpoena Certain Named Records from Roger K. Doolittle is hereby **granted** in part and **denied** in part, as follows:

1. The Clerk is directed to issue a subpoena styled with this case name and number and directed to Roger K. Doolittle and to send a copy of the subpoena, along with a copy of this Order, to the following Plaintiffs – M. L. Berry, J. W. Channell, Luke Funchess, Eddie Blackwell, Charles Funchess, James Minter, Betty Berry, George Deaton, and Herman May.
2. The Plaintiffs shall complete the subpoena form by specifying the documents that they wish to inspect and/or copy.
3. The Plaintiffs shall be responsible for serving the subpoena.

IT IS SO ORDERED, this the 18th day of October, 2006.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE